IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 6156 of 2007(G)

PETITIONER:

DEEPA RADHAKRISHNAN,
P.D. TEACHER, G.V.H.S.S., KALPAKANCHERRY,
TIRUR, MALAPPURAM.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 6156 of 2007

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Dated this the 1st day of March, 2007

JUDGMENT

Heard counsel for the petitioner and the learned Government Pleader.

2. Case of the petitioner is that he was granted leave without allowance vide Ext.P1 dated 7.6.2004 for study purpose under Rule 88 of Part I KSR. Petitioner challenges the condition imposed in Ext.P1 that the period of leave without allowance will not count for service benefits including pension. Ext.P2 is the certificate produced to show that she did her B.Ed. Course as a regular student with effect from 10.12.2003. Ext.P3 is produced to show that in another case leave was sanctioned without imposing the rider. According to the petitioner the petitioner is entitled despite the condition in Ext.P1 to reckon the said period for the purpose of grant of increment. Counsel for the petitioner relied on the judgment of this court in W.P.(C) 26782 of 2005.

2. Learned Government Pleader refers to judgment of this court in W.P.(C) 10469 of 2006, where this court had followed the judgment

in W.P.(C) 26782 of 2005 and directed to consider the matter.

Following the aforesaid judgments, the writ petition is allowed and the Government is directed to take a decision in the matter relating to the grant of increment in the light of the judgment in W.P.(C) 26782 of 2006 within a period of one month from today.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.